

ORDINANCE NO. 2615

AN ORDINANCE amending Section 3.88.140(A) of the Camas Municipal Code by revising the provisions relating to Developer Credits for Impact Fees, and amending Section 3.88.030(K) by revising the definition of Developer.

The Council of the City of Camas do ordain as follows:

Section I

Section 3.88.140(A) of the Camas Municipal Code is amended to provide as follows:

Section 3.88.140

(A) Development Credit.

(1). A developer (as defined in CMC 3.88.030) shall be entitled to a credit against the applicable impact fee for the dedication of land or the for the design or engineering or construction of an "Eligible Improvement". For purposes of this Section, an Eligible Improvement shall mean an improvement or real property that is identified in one of the City's Capital Facilities Plan as being funded by impact fees, in the amount(s) identified and/or calculable in the Capital Facilities Plan.

(2). The amount of the credit shall be the dollar amount assigned to the improvement or to the land in the Capital Facilities Plan. Where only a portion of the improvement is constructed or a portion of the land is dedicated, the amount of the credit shall be pro-rated.

(3). Credits earned for one category of impact fee, e.g. traffic, may not be applied against a different category of impact fee, e.g. schools.

(4). Approval from the City Council shall be required prior to the start of the

construction or dedication of any Eligible Improvement. "Approval" in the context of this subsection (4) shall be satisfied if the City, requires the construction of the Eligible Improvement as a condition of approval for a land use application. If a developer wishes to construct an Eligible Improvement that is not otherwise a condition to an approved land use application, prior approval must be obtained from the City Council.

(5). Credits shall be issued as follows:

(A) For traffic, fire, and parks and open space impact fees, no credits shall be granted until either the Eligible Improvements have been designed, engineered or constructed by the developer and such work has been accepted by the City Council ; or until the land has been dedicated by the developer and such dedication has been accepted by the City Council.

(B) For school impact fees, no credit shall be granted until the School Board adopts a Resolution certifying that the Eligible Improvements have been designed or engineered or constructed and accepted by the school board, or that the land has been dedicated and accepted by the School Board. The Resolution shall further identify the dollar amount of the credit and the developer to whom the credit should be issued.

(6) If impact fees become due and payable prior to the developer becoming eligible for the issuance of credits as provided for in Section 5, the developer may apply to the Community Development Director to defer collection of the impact fees until construction or dedication is completed. The Community Development Director may condition deferral upon:

a) the developer posting a bond or other financial security satisfactory to the City in an amount equal to one hundred twenty-five percent (125%) of the deferred impact fees, which bond or other financial security shall be conditioned upon the developer either paying the deferred impact fees or completing construction or dedication within a specified time, or

b) the withholding of an occupancy permit, or

c) such other conditions acceptable to the City.

(7) If the developer is dissatisfied with the decision of the Community Development Director, the developer may seek to have that decision reviewed by the City Council.

(8). Upon acceptance of the Eligible Improvement, the developer identified in the motion or resolution may submit an application for the impact fee credit to the City's finance department on a form to be created by the finance department. After submission of a credit application and verification of entitlement thereto, the finance department shall issue a credit voucher to the developer specifying the amount of the impact fee credit and the type of credit.

(9). The credit may, at the option of the developer, be applied all or in part to the impact fees owing for the developer's project.

(10). To the extent the credit exceeds the amount of the impact fee owed by the developer, or the developer chooses not to apply the impact fee to the developer's project, the unused credit may be applied to a different project of the developer or transferred to another developer to be applied to that developer's development project.

(11). Before the impact fee credit can be transferred to a different developer, the holder of the impact fee credit shall file with the finance department an application to transfer the credit on a form to be created by the finance department. The application shall identify the transferee, and the amount and type of the impact fee credit being transferred. The transfer application shall be accompanied by an administrative fee in an amount as may be set by Resolution of the City Council.

(12). When credits are to be redeemed, the holder of the impact fee credit shall file an application for redemption on a form to be created by the finance department. The application for redemption shall be accompanied by an administrative fee in such amount as may be set by Resolution of the City Council. When impact fee credits are being redeemed, such redemption shall not allow the impact fee credits to be prorated among more than one residential lot in amounts that are less than the then existing impact fee per lot. (For example, where impact fees are \$5,000 per residential lot and a developer wishes to redeem \$11,000 worth of credits, the developer shall not be allowed to apply \$1,000 per residential lot over eleven lots. The developer may apply \$5,000 to two residential lots and \$1,000 to one residential lot.)

(13). The finance department shall be responsible for maintaining appropriate records documenting the issuance, transfer, and redemption of impact fee credits.

Section II

Section 3.88.030(K) of the Camas Municipal Code is amended to provide as follows:

Section 3.88.030 Definitions. (K) "Developer" means an individual, group of individuals, partnership, corporation, association, municipal corporation, State agency, or other person or entity and their successors and assigns

undertaking development activity, including the design, engineering, or construction of facilities identified in one of the City's Capital Facility Plans.

Section III

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 4th day of April, 2011.

SIGNED: Paul Di
Mayor

ATTEST: John M. Augin
Clerk

APPROVED as to form:

[Signature]
City Attorney